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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,872	08/04/2003	Tyler A. Lowrey	ITO.0046US (P16201)	5269
21906	7590	07/20/2006		EXAMINER
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			LE. THONG QUOC	
			ART UNIT	PAPER NUMBER
			2827	

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

WV

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,872	LOWREY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thong Q. Le	2827	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-7,9-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-7,9-14,16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Amendment filed on 05/05/2006 has been entered.
2. Claims 1,3-7,9-14,16 are presented for examination.

### *Response to Arguments*

3. Applicant's arguments filed 05/05/2006 have been fully considered but they are not persuasive.

According to applicant's remarks, the remarks do not include a relevant argument. Lines 1-2, applicant said "**holding voltage of at least about .9 volts**". Lines 6-7, applicant said "**holding voltage would be .8 volts**".

As discussed above, this applicant's argument is improper, and the same reference for rejection this office action, which has been used to reject in last rejection office action.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1,3-7,9-14,16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowrey (Pub. U.S. Patent No. 2004/0113137).

The applied reference has a common Assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

bbbbbb Regarding claims 1, 6, Lowrey discloses an apparatus (Figure 4) comprising:

Regarding claim 1, Lowrey discloses a method comprising:

Forming a phase change memory element having a holding voltage that is at least 80 percent of the threshold voltage of the element and holding voltage greater than about .9 volts ([0120], **phase change element has threshold voltage is about 1.2 volts, holding voltage is about 1 volts, it is greater than .9 volts and about 80% of the threshold voltage of element. Hence, it overcomes present claim invention**).

Regarding claim 3, 9, 16, Lowrey discloses forming a phase change memory element to have a threshold voltage that does not vary by more than 10 percent with programming currents varying as much as two times ([0032], [0036]).

Regarding claims 4-5, 7, 10, 13-14, Lowrey discloses forming a phase change memory element including a phase change material (Figure 3, 220) between a pair of electrodes (Figure 3, 230, 210, [0037]), and forming a phase change material with a lower electrode of titanium silicon nitride ([0038]).

Regarding claim 6, Lowrey discloses an apparatus (Figure 4) comprising:  
a phase change memory element (Figure 4, 130) to be read ([0032]) with a voltage greater than or equal to the threshold voltage of the element and to have a holding voltage that is at least 80 percent of the threshold voltage of element ([0120], *threshold voltage is 1.2v, and holding voltage is 1 volt, hence the holding voltage at least or more than 80% of threshold voltage of phase change memory element*).

Regarding claims 11 Lowrey discloses an apparatus (Figure 20) comprising:  
a processor (Figure 20, 865) ; and  
a phase change memory element having a holding voltage that is at least 80 percent of the threshold voltage of the element and holding voltage greater than about .9 volts ([0120], **phase change element has threshold voltage is about 1.2 volts, holding voltage is about 1 volts, it is greater than .9 volts and about 80% of the threshold voltage of element. Hence, it overcomes present claim invention**).

Regarding claims 12, Lowrey discloses the wireless interface including a dipole antenna ([01333]).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Le whose telephone number is 571-272-1783. The examiner can normally be reached on 8:00am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarabian Amir can be reached on 571-272-1852. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Thong Q. Le  
Primary Examiner  
Art Unit 2827

7/11/2006